

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

THE TRUSTEES OF PURDUE UNIVERSITY,

Plaintiff,

vs.

STMICROELECTRONICS N.V., ET AL.,

Defendants.

No. 6:21–CV–727–ADA

JURY TRIAL DEMANDED

**DEFENDANTS’ REPLY IN SUPPORT OF ITS MOTION TO DISMISS  
ALL CLAIMS AND COUNTERCLAIMS RELATED TO THE ’112 PATENT**

Based on Purdue’s response, the only dispute is whether Purdue’s infringement claim for the ’112 patent should be dismissed with or without prejudice. Purdue admits that there is no longer a case or controversy involving the ’112 Patent, yet asks the Court for a dismissal *without* prejudice. Purdue’s position is nonsensical because Purdue admits that “there can be no reasonable expectation that Purdue will re-assert its withdrawn infringement allegations or that ST will infringe claims that never existed.” Resp. at 2. As Defendants explained, when a patentee disclaims an asserted patent, its infringement claims involving that patent become moot and must be dismissed with prejudice. This was precisely what happened in *Stragent LLC v. BMW of N. Am., LLC*, No. 6:16-CV-446-RWS-KNM, 2019 WL 3315460, at \*3 (E.D. Tex. June 10, 2019), where the Court dismissed the plaintiff’s claims *with prejudice* for lack of subject matter jurisdiction (*report and recommendation adopted*, No. 6:16-CV-446-RWS-KNM, 2019 WL 3304703 (E.D. Tex. July 23, 2019)). The Parties agree that the case is moot. The Court should dismiss Purdue’s infringement claims with prejudice.

August 10, 2022

Respectfully submitted:

By: /s/ Justin S. Cohen

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**STMICROELECTRONICS, INC. AND**

**STMICROELECTRONICS INTERNATIONAL N.V.**

**CERTIFICATE OF SERVICE**

I certify that on August 10, 2022, the foregoing document was served via electronic mail on counsel of record for Plaintiff.

/s/ Justin S. Cohen

Justin Cohen